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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

DANON COREY DAVIDSON,

Defendant and Appellant.

F076998

(Super. Ct. Nos. VCF284960,
VCF261737, VCF315456A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Brett R. Alldredge, Judge.

Karriem Baker, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Michael P. Farrell, Assistant Attorney General, Louis M. Vasquez, Amanda D. Cary and Lewis A. Martinez, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Poochigian, Acting P.J., Peña, J. and DeSantos, J.

Defendant Danon Corey Davidson contends on appeal that the trial court erroneously imposed duplicate criminal conviction assessments and court security fees. The People concede, and we agree. We strike the duplicate assessments and fees and affirm as modified.

BACKGROUND¹

On January 23, 2012, in case No. VCF261737, defendant was convicted of one felony count. At sentencing, the trial court granted probation and ordered that defendant pay, among other things, a \$30 criminal conviction assessment (Gov. Code, § 70373) and a \$40 court security fee (Pen. Code, § 1465.8).²

On August 15, 2013, in case No. VCF284960, defendant was convicted of one felony count. At sentencing, the trial court granted probation and ordered that defendant pay, among other things, a \$30 criminal conviction assessment and a \$40 court security fee. Defendant was found in violation of probation in case No. VCF261737; the court terminated probation but reinstated it under the original terms.

On May 28, 2015, in case No. VCF315456A, defendant was convicted of one felony count, and was found in violation of probation in the two prior cases. At sentencing, the trial court revoked and terminated probation in both the prior cases, committed defendant to prison for 10 years, and reimposed a \$30 criminal conviction assessment and a \$40 court security fee in each case.

On September 26, 2017, defendant filed a *Fares*³ request with the trial court to correct the assessments and fees, but the court denied the request.

¹ The facts are irrelevant to the issue raised on appeal.

² All statutory references are to the Penal Code unless otherwise noted.

³ *People v. Fares* (1993) 16 Cal.App.4th 954.

DISCUSSION

A court errs when it imposes altered or duplicate fines or fees upon revocation of probation. (See *People v. Rios* (2013) 222 Cal.App.4th 542, 575–576 (*Rios*); *People v. Preston* (2015) 239 Cal.App.4th 415, 423; *People v. Garcia* (2007) 147 Cal.App.4th 913, 917.) By their terms, both section 1465.8 and Government Code section 70373 require imposition of a single assessment or fee per conviction. Here, the parties agree the court erred in imposing the duplicate assessments and fees. The originally imposed assessments and fees survived the revocation of probation. (See *Rios*, at p. 576; *People v. Cropsey* (2010) 184 Cal.App.4th 961, 964–965.) Thus, the duplicate \$30 criminal conviction assessment and \$40 court security fee imposed in case Nos. VCF261737 and VCF284960 after defendant’s probation was revoked must be stricken. (*Rios*, at pp. 575–576.)

DISPOSITION

The judgment is modified to strike the two additional \$30 criminal conviction assessments (Gov. Code, § 70373) and \$40 court security fees (Pen. Code, § 1465.8) imposed on June 25, 2015, in case Nos. VCF261737 and VCF284960. The abstract of judgment should reflect only the \$30 criminal conviction assessment and \$40 court security fee imposed in case No. VCF315456A. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy to the appropriate entities.